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BOOK REVIEWS.

A TREATISE ON THE LAWS GOVERNING THE EXCLUSION AND EXPULSION OF ALIENS IN THE UNITED STATES. By CLEMENT L. BOUVÉ. Washington: JOHN BYRNE & Co. 1912. pp. xxvi, 915.

Cases now and then arise, like the recent case of General Castro, which vividly bring to the public notice the fact that in respect to the admission and exclusion of aliens the government of the United States exercises extensive powers. These powers are conferred by various statutes passed during the last thirty-seven years. The purpose of the volume now before us is to present the subject in its legal aspects; and the author has, as he states, attempted to show that in the United States the admission of foreigners cannot be adequately considered purely as an administrative question, but that it must be discussed as a distinct and important branch of municipal law in the application of which the Federal Courts perform an important part. This sufficiently appears by the numerous cases which the author cites and reviews. The importance to the practitioner of a proper understanding of these decisions is not diminished by reason of the fact that the tendency of legislation has been to deny to the courts the right to review the decisions of the administrative authorities, so long as the latter act within their statutory powers. Thus, in the case of Chinese persons, where the claim of American citizenship depends upon proof of the fact of birth in the United States, it was held by the Supreme Court in the celebrated case of *Ju Toy* that this fact must be proved before the administrative authorities. The author doubts whether Congress "acted wisely in restricting a person alleging United States citizenship to so limited a forum." In an appendix there is a compilation of foreign laws, made with the assistance of M. Martini's "*L'Expulsion des Etrangers*." On the whole the volume contains matter useful not only to practitioners before the courts and the administrative authorities but also to those who wish to study the subject from the point of view of international law. It seems to us that the table of cases in the front would have been more convenient for reference if the cases had been listed in alphabetical continuity, instead of being grouped under the courts in which the decisions were rendered.

J. B. Moore.

HANDBOOK ON THE LAW OF DAMAGES. By WILLIAM B. HALE. Second Edition by ROGER W. COOLEY. St. Paul: WEST PUBLISHING Co. 1912. pp. xiii, 632.

This is a second edition, in the usual form of the Hornbrook Series, by Professor Cooley of the University of North Dakota of Mr. Hale's text which appeared in 1896. While the author disclaims having made many changes in the text, such changes are not infrequent. Accuracy, clearness and conciseness usually are gained by the changes made. Most of the important cases as to recovery for physical injury resultant from mental suffering having been decided in the past sixteen years, a new statement of the law was essential and this appears to have been made carefully. The late English Cases, such as *Wilkinson v. Downton*, L. R. (1897) 2 Q. B. 57, and *Dulieu v. White*, L. R. (1901) 2 K. B. 669, are not cited nor is the important case of *Homans v. Boston Co.* 180 Mass. 456.

The treatment of damages for the erection of permanent structures is instructive.

In discussing *Hadley v. Baxendale*, the author twice quotes from Sedgwick on Damages § 871: "The only meaning of the rule with regard to the contemplation of parties is that in contract a particular species of proof as to special consequences is often available, which is not so in tort." Apparently then a greater measure of recovery is permitted in contract than in tort. If, for example, the shaft shipped in that case had been stolen, the thief would not have been liable for damages due to the stoppage of the mill, but the carrier would have been responsible in case of notice that loss of profits would result from delay. It seems doubtful whether any such restriction should be placed on recovery in tort.

The notes contain references to the Century Digest and to the Key-Numbers of the Decennial Digest greatly enhancing the value of the book as a means of finding the law as does also the citation of the several Reports where cases are found and the printing in capitals of such leading cases as appear in the author's collection of cases on Damages. In notes thus laboriously prepared it is disappointing that the cases cited, a large number of new cases appearing in this edition, are not arranged in accordance with the alphabetical order of the several jurisdictions.

Alfred Hayes.

A TREATISE ON THE LAW OF STREET RAILWAYS. By HENRY J. BOOTH. Second Edition by ISAAC C. SUTTON and PAUL H. DENNISTON. Philadelphia: T. & J. W. JOHNSON COMPANY. 1912. pp. cxi, 922.

Although many of the topics treated in this work may be found discussed in works on public service companies, carriers, constitutional law, municipal corporations, private corporations, and the like, yet in view of the mileage and immense value of street railways in our day, the labor of assembling and discussing in a separate work the statutes and cases dealing with such enterprises is probably justified. Certainly if the publication in 1892 of the first edition of Booth on Street Railways was called for, and if the work has since its publication commended itself to the legal profession, it is high time for the appearance of a second edition.

The work of revision seems to have been carried out with thoroughness, besides which a considerable amount of new matter has been introduced into the work in its present form. An entirely new chapter on "Interurban Railways" has been added at the end of the second edition, while the first and sixth chapters, dealing respectively with "The Right to Construct and Operate Street Railways," and "Electric Street Railways," have been largely rewritten. The book deals at length with the rights and duties existing between street railways on the one hand, and abutting landowners, members of the public generally, and passengers on the other hand. Questions with regard to regulation by statute and ordinance are also fully considered. The new edition of this work should prove very useful to all those having problems to solve involving the rights and duties of street railways.

Charles K. Burdick.

PRINCIPLES OF THE CRIMINAL LAW. By SEYMOUR F. HARRIS, B. C. L., M. A. Twelfth edition, by CHARLES L. ATTENBOROUGH, Barrister at Law. London: STEVENS AND HAYNES. 1912. pp. xi, 613.

This book, now in its twelfth edition, is a concise statement of the criminal law and procedure of England. The book has been through